

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

FRANKIE THOMAS

PLAINTIFF

VS.

CIVIL ACTION NO.4:09cv4-DPJ-JCS

CARL L. MICKENS, et al.

DEFENDANTS

ORDER OF DISMISSAL

Plaintiff has filed a notice of voluntary dismissal. Because two of the defendants have filed responses to the complaint, the court construes the notice as a motion to dismiss. So construed, the motion is hereby granted, and this matter is dismissed without prejudice.

So ordered and adjudged, this the 18<sup>th</sup> day of August, 2009.

/s/ James C. Sumner

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UNITED STATES MAGISTRATE JUDGE